



24728

PATENT - TRADEMARK OFFICE

Docket No.  
3394/

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**ADAPTIVE CONTROL SYSTEM HAVING HEDGE UNIT AND RELATED APPARATUS AND METHODS**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 5/31/00 as United States Application No. or PCT International Application Number 09/585,106 and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

<u>N/A</u>			<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	
<u>                    </u>	<u>                    </u>	<u>                    </u>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	
<u>                    </u>	<u>                    </u>	<u>                    </u>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

<u>60/199,615</u>	<u>4/24/00</u>
(Application Serial No.)	(Filing Date)
<u>                    </u>	<u>                    </u>
(Application Serial No.)	(Filing Date)
<u>                    </u>	<u>                    </u>
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>N/A</u>	<u>                    </u>	<u>                    </u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>                    </u>	<u>                    </u>	<u>                    </u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>                    </u>	<u>                    </u>	<u>                    </u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

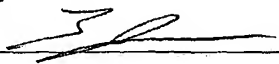
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

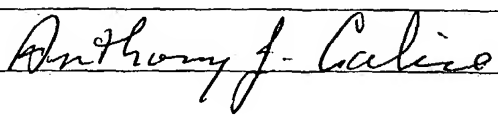
**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Brian J. Anderson - Reg. No. 43,470  
 Kirk W. Goodwin - Reg. No. 46,161  
 Michael R. Greenlee - Reg. No. 40,003  
 John R. Harris - Reg. 30,388  
 Jon M. Jurgovan - Reg. No. 34,633  
 Greg J. O'Bradovich - Reg. No. 42,945  
 Chad Tillman - Reg. No. 38,634  
 Jack D. Todd - Reg. No. 44,375  
 John Winburn - Reg. No. 26,822

Send Correspondence to: Jon M. Jurgovan, Esq.  
 Morris, Manning & Martin, LLP  
 1600 Atlanta Financial Center, 3343 Peachtree Road, NE  
 Atlanta, GA 30326-1044

Direct Telephone Calls to: *(name and telephone number)*  
 Jon M. Jurgovan, Esq. - (404) 504-7652

Full name of sole or first inventor <b>Eric Norman Johnson</b>		12/01/00
Sole or first inventor's signature		Date
Residence <b>2356 Logan Circle, NE, Atlanta, GA 30319</b>		
Citizenship <b>USA</b>		
Post Office Address		

Full name of second inventor, if any <b>Anthony J. Calise</b>		12/01/00
Second inventor's signature		Date
Residence <b>6980 Glenridge Drive, NE, Atlanta, GA 30328</b>		
Citizenship <b>USA</b>		
Post Office Address		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Johnson, et al. Group Art Unit: 2122  
Appl. No.: 09/585,106 Examiner Name: Pham  
Filed: May 31, 2000  
For: ADAPTIVE CONTROL SYSTEM HAVING HEDGE  
UNIT AND RELATED APPARATUS AND METHOD

Commissioner for Patents  
Washington, DC 20231

**REVOCATION OF POWER OF ATTORNEY  
AND NEW POWER OF ATTORNEY BY ASSIGNEE**

Sir:

Assignee hereby revokes all powers of attorney previously granted with respect to the above-identified patent application, and appoints the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and directs that all correspondence be addressed to that Customer Number:

**Customer Number 00826**

with full power of substitution and revocation to transact all business in the Patent and Trademark Office in connection therewith.

Please direct telephone calls to the attention of:

Jon M. Jurgovan  
Registration No. 34,633  
Tel Atlanta Office (404) 881-7000  
Fax Atlanta Office (404) 881-7777

Assignee hereby elects under 37 C.F.R. § 3.71 to prosecute this patent application and certifies that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 012890, Frame 0928, or for which a copy thereof is attached.

OR

In re: Johnson, et al.  
Appl. No.: 09/585,106  
Filed: May 31, 2000  
Page 2

B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_ To: \_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel  
, Frame \_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_ To: \_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel  
, Frame \_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_ To: \_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel  
, Frame \_\_\_\_, or for which a copy thereof is attached.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the Assignee.

CUSTOMER NO. 00826  
ALSTON & BIRD LLP  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Atlanta Office (404) 881-7000  
Fax Atlanta Office (404) 881-7777

**GEORGE G. HARKER, III**

By: George G. Harker III

George G. Harker III  
(Print or type name of person signing)

Title: Director, Office of Technology  
Licensing

Date: January 7, 2003

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on  
January 31, 2003.

Shelley Victoria  
Shelley Victoria

## ASSIGNMENT NUNC PRO TUNC OF INVENTION AND PATENTS THEREON

We, Eric Norman Johnson, a citizen of the United States of America, residing at 2356 Logan Circle, N.E., Atlanta, Georgia 30319; and Anthony J. Calise, a citizen of the United States of America, residing at 6980 Glenridge Drive, N.E., Atlanta, Georgia 30328 (collectively, the "Assignors") have invented a new and improved **ADAPTIVE CONTROL SYSTEM HAVING HEDGE UNIT AND RELATED APPARATUS AND METHODS**, as fully disclosed in U.S. Patent Application No. 09/585,106 filed May 31, 2000 and Patent Cooperation Treaty ("PCT") application No. PCT/US01/12797 filed 20 April 2001 so entitled and executed by me preparatory to obtaining Letters Patent of the United States therefor; and, **Georgia Tech Research Corporation** (the "Assignee"), organized and existing in the state of Georgia, having a principal place of business at Centennial Research Building, 400 10<sup>th</sup> Street, NW, Atlanta, Georgia 30332-0415, desires to acquire the entire right, title and interest in and to the subject matter disclosed in said application and in and to all patents issued or to be issued thereon.

NOW, THEREFORE, to all whom it may concern, be it known that, for and in consideration of the sum of One Dollar to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the said Assignee, its successors and assigns, our entire right, title and interest in and to said invention and in and to said application and all patents which may be granted therefor, and all divisions, reissues, substitutions, continuations, and extensions thereof; and all Letters Patent Domestic and Foreign issued or to be obtained thereon, including all rights and interests with priority rights under 35 U.S.C. §111(b), the Paris Convention for the Protection of Industrial Property, the International Patent Cooperation Treaty, European Patent Convention, Common Market Convention, or any other Convention or Union for each country of said Convention or Union and all divisions, reissues, substitutions, continuations, and extensions thereof; and we do hereby authorize and request the Commissioner of Patents and Trademarks and like patent authorities of any and all countries to issue the Letters Patent granted on any application and all future patents granted upon the subject matter disclosed therein to the above named Assignee, its legal representatives and assigns.

Furthermore, the Inventors agree to take all necessary and rightful oaths, to execute all proper documents and to do all other things necessary and proper, at the Assignee's expense, to assist the Assignee in securing, obtaining and maintaining patent protection for the invention in the United States of America and in any and all country(ies) throughout the world.

If any provision of this agreement shall be found by a court of competent jurisdiction to be invalid, unlawful, or contrary to public policy, the Assignee and Assignors intend that such provision

shall be severed from this agreement and that the remaining terms of this agreement shall be unaffected thereby and shall continue in force and effect.

The rights, obligations and representations specified herein are binding upon and inure to the benefit of the Assignee and the Assignors, and their heirs, administrators, executors, successors and assigns.

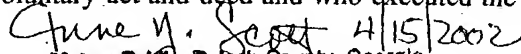
The effective date of this assignment is May 31, 2000, and all provisions of this assignment are deemed to have taken full legal force and effect as of the effective date.

Witness my hand this 15th day of April, 2002.

  
Eric Norman Johnson, Inventor

STATE OF )  
 ) ss:  
COUNTY OF )

On this 15th day of April, 2002, before me personally appeared Eric N. Johnson, to me known and known to me to be the individual aforesaid who duly acknowledged the signing of the foregoing instrument to be his voluntary act and deed and who executed the same for the uses and purposes therein specified.

  
Notary Public, DeKalb County, Georgia  
My Commission Expires July 1, 2002

Notary Public


(SEAL)

Witness my hand this 15th day of April, 2002.

  
Anthony J. Calise, Inventor

STATE OF )  
 ) ss:  
COUNTY OF )

On this 15th day of April, 2002, before me personally appeared Anthony J. Calise, to me known and known to me to be the individual aforesaid who duly acknowledged the signing of the foregoing instrument to be his voluntary act and deed and who executed the same for the uses and purposes therein specified.

  
Notary Public, DeKalb County, Georgia  
My Commission Expires July 1, 2002

Notary Public

(SEAL)